

## DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

2771. Adulteration of Acid Iron Earth Water and Geo-Mineral. U. S. v. 6 Barrels, etc. (F. D. C. No. 26927. Sample Nos. 45975-K, 45976-K.)

LIBEL FILED: April 12, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 15, 1949, by W. L. Newcomb, from Bay Springs, Miss.

PRODUCT: 6 50-gallon barrels of *Acid Iron Earth Water*, 2 tanks containing a water-dilution of material from the barrels, and a number of bottles of *Geo-Mineral*, which contained also a water-dilution of material from the aforesaid barrels, at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of mold.

DISPOSITION: May 5, 1949. Default decree of condemnation and destruction.

2772. Adulteration of Chinese rhubarb root. U. S. v. 5 Bags \* \* \*. (F. D. C. No. 26515. Sample No. 51234-K.)

LIBEL FILED: February 11, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 3, 1948, from New York, N. Y.

PRODUCT: 5 100-pound bags of *Chinese rhubarb root* at Columbus, Ohio.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 24, 1949. Default decree of destruction.

2773. Adulteration of valerian root. U. S. v. 12 Bags \* \* \*. (F. D. C. No. 26248. Sample No. 51227-K.)

LIBEL FILED: January 4, 1949, Southern District of Indiana.

ALLEGED SHIPMENT: On or about March 14, 1947, from Brooklyn, N. Y.

PRODUCT: 12 bags, each containing approximately 118 pounds, of *valerian root* at Indianapolis, Ind.

NATURE OF CHARGE: Adulteration, Section 501 (a) (1), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect parts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 24, 1949. Default decree of forfeiture and destruction.

## DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS\*

2774. Adulteration and misbranding of Neo-Lixir and adulteration of So-Lix-Co. U. S. v. St. Louis Physicians Supply Co. and Leo D. Lillie. Pleas of guilty. Fine of \$300 against each defendant. (F. D. C. No. 25621. Sample Nos. 26245-K, 26252-K.)

INFORMATION FILED: March 24, 1949, Eastern District of Missouri, against the St. Louis Physicians Supply Co., a corporation, St. Louis, Mo., and Leo D. Lillie, president of the corporation.

\*See also Nos. 2788, 2789.

**ALLEGED SHIPMENT:** On or about March 5 and 9, 1948, from the State of Missouri into the States of Iowa and Illinois.

**NATURE OF CHARGE:** *Neo-Lixir*. Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, in that each fluid ounce of the article purported and was represented to contain 4 grains of U. S. P. Reference Pepsin, whereas each fluid ounce of the article contained less than 4 grains of U. S. P. Reference Pepsin. Misbranding, Section 502 (a), the label statement "Each Fluid Ounce Contains 4 grains U. S. P. Reference Pepsin" was false and misleading.

*So-Lix-Co.* Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess since each fluid ounce purported and was represented to contain 40 grains of salicylic acid (as sodium salicylate), whereas it contained less than that amount of salicylic acid (as sodium salicylate).

**DISPOSITION:** April 7, 1949. Pleas of guilty having been entered, the court imposed a fine of \$300 against each defendant.

**2775. Adulteration and misbranding of estrogenic substance. U. S. v. Gregory S. Brooks and Intramed Co., Inc.** Motion denied for dismissal of information. Pleas of guilty. Fine of \$200 against corporation. Fine of \$200 and sentence of 1 year in jail against individual; jail sentence suspended and individual placed on probation for 1 day. (F. D. C. No. 24233. Sample No. 45060-H.)

**INFORMATION FILED:** March 22, 1949, Southern District of New York, against the Intramed Co., Inc., New York, N. Y., and Gregory S. Brooks, president of the corporation.

**ALLEGED SHIPMENT:** On or about April 17, 1946, from the State of New York into the State of California.

**LABEL, IN PART:** "2000 cc Natural Whole Estrogenic Substance In Sesame Oil Consisting Principally of Estrone and Such Other Auxiliary Hormones As Are Normally Present In Gravid Mares' Urine Each 1 cc is Equivalent to 20,000 I. U. Rated as Estrone."

**NATURE OF CHARGE:** Adulteration, Section 501 (b) (2), estradiol had been substituted in part for natural whole estrogenic substance in sesame oil.

Misbranding, Section 502 (a), the label of the article was false and misleading since the article was not "Natural Whole Estrogenic Substance In Sesame Oil Consisting Principally of Estrone and Such Other Auxiliary Hormones As Are Normally Present In Gravid Mares' Urine."

**DISPOSITION:** A motion to dismiss the information was filed on behalf of the defendants, alleging as grounds for such dismissal that the defendants had received the article in interstate commerce and made delivery in good faith; and that a letter received from the supplier which contained, among other things, the representation that the product may be labeled "Natural Whole Estrogenic Substance, as derived from Gravid Mares' Urine," constituted a guaranty. The Government, in its reply, denied those allegations; and, in addition, it alleged that if the letter did constitute a guaranty as contemplated by the Act, that the defendants had exceeded its terms in labeling the product as aforesaid.

On May 16, 1949, the court denied the defendants' motion without prejudice, basing the denial not on the question of law but because the facts alleged in defendants' motion had not been proved or stipulated. Pleas of guilty were